

September 10, 1985

Messrs Matt Bulloch  
Scott Bulloch  
62 North 300 East  
Cedar City, Utah 84720

RE: Meter Number 7662069, 486765

\* CERTIFIED MAIL \*

*P22 1069271*

Dear Messrs Bulloch:

It has come to our attention that you are operating your well in the Cedar Valley Distribution System without an adequate measuring device to measure the water obtained from the well. According to section 73-5-4, Utah Code Annotated, 1953,

"Every person using water in this state shall construct or install and maintain a substantial headgate, cap, valve, or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used."

The distribution system commissioner has indicated that he is unable to adequately measure the water obtained from your well and has given you notice that you are not to take water from the well without providing an adequate measuring device. The statute further indicates that,

"If the owner of irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct or install such headgates, caps, valves, flumes or measuring devices after 30 days notice to do so by the state engineer, the state engineer may forbid the use of water until the user thereof shall comply with his requirement..."

In addition, the state engineer has the authority to construct or install or cause to be installed the required measuring devices and controlling works and assess a lien against the lands and water rights served. The state engineer is authorized to bring action to foreclose such liens.

With the existing condition of your well and measuring device, you appear to be in violation of this statute and are hereby ordered to install an adequate measuring device and controlling works upon receipt of this letter. The statute provides that the state engineer may allow 30 days for the work to be completed. Under this situation, however, the state engineer will allow you until March 1, 1986 to have a measuring device installed and in operable condition or the state engineer will proceed to take action against you through the court system to restrict water use until said adequate measuring device is installed.

Measuring Devices for Cedar Valley Distribution System  
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If you have any questions, please contact Gerald Stoker in our Cedar City office or Kent L. Jones in our Salt Lake office.

Very truly yours,

Robert L. Morgan, P. E.  
State Engineer

RLM:KLJ